

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Streamlining Deployment of Small Cell)	WT Docket No. 16-421
Infrastructure by Improving Wireless Facilities)	
Siting Policies)	

**COMMENTS OF THE CITY OF PAPILLION
OF THE STATE OF NEBRASKA**

These comments are filed by the City of Papillion of the State of Nebraska in response to the public notice, released December 22, 2016, in the above-entitled proceeding.

As a city of the first class in Nebraska, with a population of approximately 19,000, the City of Papillion opposes Mobilitie, LLC's Petition for Declaratory Ruling in the above-referenced proceeding.

The City of Papillion is familiar with the Petitioner because the City received a number of applications from Mobilitie in May-June of 2016, all of which proposed to construct several new 80 foot (7-story) and 120 foot (11-story) wooden towers or steel monopole towers in the City's right-of-way. Specifically, in one application, **Mobilitie proposed to construct an 80 foot (7-story) wooden tower in the city's narrow right-of-way between the street curb and the pedestrian sidewalk located at the end of a local downtown restaurant's driveway and at the entrance of the main street to our City's historic downtown area.** The proposed tower would have far exceeded the height of any other business signs, street lights, poles, or buildings in the area, and there seemed to be no logic as to its proposed location. Certainly, **Mobilitie gave no consideration to the historic nature of that site or the immediate surroundings.**

In another application, **Mobilitie proposed to construct an even taller tower, a 120 foot (11-story) metal monopole, again in the narrow right-of-way between the street curb and the pedestrian sidewalk, at the corner of a local church and in the midst of a well-established single family residential area.** This proposed tower would have substantially exceeded the height of any other structure anywhere remotely close to this single family residential area in which the average taxable valuation of residential lots within 500 feet is approximately \$215,000. This site was completely illogical, and it was apparent that in making the application Mobilitie had made no effort to consider the zoning considerations or the residential character of the community at that specific location. **Another Mobilitie application proposed a 120 foot (11-story) metal monopole, again in the narrow right-of-way between the street curb and the pedestrian sidewalk, next to an elementary school.**

The City had legitimate concerns with all of these applications for safety and zoning reasons, such as driveway visibility and proximity to traffic. In processing all of Mobilitie's applications, the City determined that Mobilitie was a speculative tower builder with no agreements in place with any of the cellular service utility providers. Nevertheless, they represented themselves as having an absolute right to locate in the City's rights-of-way, which we determined was contrary to law.

Local municipalities have the responsibility to protect their residents and communities from the illogical siting of proposed cell towers. **(See attached depictions.)** Thus, the City of Papillion requests that the FCC continue to recognize the importance of local control and oversight over proposed siting and construction of cellular infrastructure.

Respectfully submitted,
CITY OF PAPILLION

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